



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193-1453
(703) 583-3800 fax (703) 583-3801
www.deq.virginia.gov

VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

POTOMAC LANDFILL, INC.

FOR THE

POTOMAC CDD LANDFILL
(Solid Waste Permit No. 441)

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Section 10.1-1455 of the Code of Virginia by the Virginia Waste Management Board and under the authority of Sections 10.1-1307D and 10.1-1185 of the Code of Virginia by the State Air Pollution Control Board to Potomac Landfill, Inc., for the purpose of resolving violations of certain provisions of a Consent Special Order issued on March 10, 2005.

SECTION B: Definitions:

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Boards" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia and described in Va. Code §§ 10.1-1401 and 10.1-1184, and the State Air Pollution Control Board a permanent collegial body of the Commonwealth of Virginia and described in Code § 10.1-1301 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the

Commonwealth of Virginia as described in § 10.1-1183.

4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "NVRO" means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.
7. "Facility" or "Landfill" means the Potomac Landfill which operates as a construction/demolition/debris landfill under Solid Waste Permit Number 441.

SECTION C: Findings of Fact and Conclusions of Law

1. A Consent Special Order was issued to Potomac Landfill, Inc. on March 10, 2005 ("2005 Order") to resolve alleged violations of the Virginia Solid Waste Management Act and Regulations and the State Air Pollution Control Law and Regulations.
2. Item 2 of Appendix A, Schedule of Compliance of the 2005 Order required Potomac Landfill to implement its odor monitoring plan within 14 days of its approval by DEQ. DEQ approved Potomac Landfill's odor control plan by letter dated April, 20, 2005 with an anticipated start date of May 5, 2005.
3. Potomac Landfill did not begin odor monitoring until August 18, 2005.
4. Item 4 of Appendix A, Schedule of Compliance of the 2005 Order required Potomac Landfill to submit a notice of intent to obtain a Permit-By-Rule to operate a materials recovery facility by March 15, 2005.
5. Potomac Landfill submitted a notice of intent on August 19, 2005.
6. DEQ issued Notices of Violation regarding these alleged violations on June 7, 2005 and July 27, 2005.

SECTION D: Agreement and Order

Accordingly the Virginia Waste Management Board, by virtue of the authority granted it in Va. Code §§ 10.1-1182 *et seq.* and §§ 10.1-1402, 10.1-1405, and 10.1-1455, and the State Air Pollution Control Board by virtue of the authority granted it in Va. Code § 10.1-1316 order Potomac Landfill, Inc. and Potomac Landfill, Inc. voluntarily agrees that:

1. Potomac Landfill shall pay a civil charge of \$10, 200 within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable

to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

Either in the transmittal letter or as a notation on the check, Potomac Landfill shall indicate that this payment is submitted pursuant to this Consent Order and shall include the Federal Identification Number for the Potomac Landfill.

SECTION E: Administrative Provisions

1. Either of the Boards may modify, rewrite, or amend those portions of the Order within that Board's respective jurisdiction with the consent Potomac Landfill, Inc., for good cause shown by Potomac Landfill, Inc., or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notices of Violation issued June 7, 2005 and July 27, 2005 as listed above in Section C. This Order shall not preclude either of the Boards or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Potomac Landfill, Inc. admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Potomac Landfill, Inc. consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Potomac Landfill, Inc. declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, the Virginia Waste Management Act, and the State Air Pollution Control Law, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by either of the Boards to enforce this Order.
6. Failure by Potomac Landfill, Inc. to comply with any of the terms of this Order shall

constitute a violation of an order of the Boards. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by either of the Boards or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Potomac Landfill, Inc. shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Potomac Landfill, Inc. shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Potomac Landfill, Inc. shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order.

Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

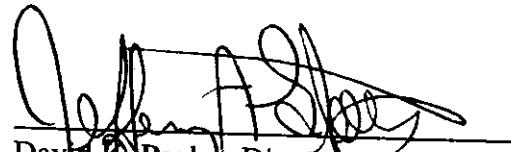
Failure to so notify the Regional Director within 24 hours of learning of any condition above, which Potomac Landfill, Inc. intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Potomac Landfill, Inc. Notwithstanding the foregoing, Potomac Landfill, Inc. agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or the Boards terminate the Order in his or their sole discretion upon 30 days written notice to Potomac Landfill, Inc. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Potomac Landfill, Inc. from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise


applicable.

12. By its signature below, Potomac Landfill, Inc. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of MAY 31 APRIL 3, 2006.


David R. Paylor, Director
Department of Environmental Quality

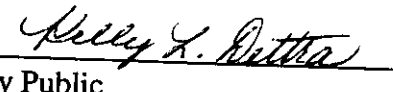
Potomac Landfill, Inc. voluntarily agrees to the issuance of this Order.

By: 
Sandra L. Crippen, Owner
Potomac Landfill, Inc.

Date: 3/27/06

Commonwealth of Virginia
City/County of Prince William

The foregoing document was signed and acknowledged before me this 27th day of March, 2006, by Sandra L. Crippen, who is Owner of Potomac Landfill, Inc., on behalf of said company.


Notary Public

My commission expires: 6/30/09